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H – 1137

International Court of Justice

H1137 - 0002

BRIEF ON

DIE REICHSREGIERUNG (REICH CABINET)

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H1137 - 0003

I N D E X

TOPICAL INDEX

	Page No.
Document Index	2 - 8
List of Individual Defendants Involved . . .	9
Section of Indictment	10
Count One, IV (H) Sentence 2	10
Appendix B	10
Legal References Charter of International Tribunal Art. 9	11
STATEMENT OF EVIDENCE	12 - 47
A. Ordinary Cabinet	
1. Composition	12 - 13
2. Interrelation of Cabinet and Nazi Party	14 - 16
3. Growth and concentration of legislative powers	17 - 19
4. Cabinet meetings and circulation of laws and decrees	20 - 21
5. Laws and decrees passed by the ordinary Cabinet	22
6. Executive and Administrative powers	23 - 30
B. Secret Cabinet Council	31
C. Creation of Reich Defense Council (Reichsverteidigungsrat) and The Plenipotentiaries for Economics and Administration	32 - 41
D. Council of Ministers for the Defense of the Reich	42 - 44
ARGUMENT AND CONCLUSION	45 - 47
APPENDIX A	48
APPENDIX B	58
APPENDIX C	66
APPENDIX D	68

H1137 - 0004

DOCUMENTS INDEX
A. DOCUMENTS

DOCUMENT NO.	DESCRIPTION	BRIEF PAGE NO.
D-139	Original letter from Hess to Goebbels, 9 October 1934	14
D-140	Original letter from Lammers to Reich Ministers, 12 April 1938.	14
351-PS	List of Cabinet members from Reich Chancellery files and minutes of first session of Hitler's Cabinet, 30 January 1933.	12, 17, 20, 48, 49, 50, 51, 52, 53, 57.
352-PS	Letter from Dr. Lammers to the Plenipotentiary of Administration, 14 June 1942	19
1141-PS	Copy of a letter from Dr. Lammers to the Members of the Council of Ministers for the Defense of the Reich, 17 September 1939.	43
1534-PS	Letter of resignation, 30 January 1937	15, 51, 52
1639-A-PS	Mobilization Book for Civil Administration (1939)	36
1701-PS	Memorandum of 9 August 1943 from Frick to the Reich Minister and Chief of the Reich Chancellery enclosing 55 copies of a draft law and memorandum of comment thereon by Rosenberg, 22 December 1943.	21
1774-PS	Verfassungsrecht des Grossdeutschen Reichs, Ernst Rudolf Huber, Page 223 - 229.	15, 31, 57
1942-PS	Rechtseinrichtungen und Rechtsaufgaben der Bewegung, Otto Gauweiler, 1939, Page 20.	14
1997-PS	File on Cabinet appointments from the Presidential Chancellery.	16, 48, 50, 51, 54, 55, 66
2194-PS	Top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protector in Bohemia and Moravia, 4 September 1939, enclosing copy of the 1938 Secret Defense Law.	18, 29, 31, 35, 38, 40, 70
2231-PS	Translation from Von Stutterheim, Die Reichskanzlei (1940), pages 19-20, 25-31, 32-34.	20, 43
2261-PS	Top secret letter from von Blomberg, 24 June 1935, enclosing Secret Reich Defense Law of 21 May 1935 and Cabinet decision of 21 May 1935.	37,70
2380-PS	Article by Wilhelm Frick "Der Seig des deutschen Einheitsgedankens" (National Socialist Yearbook. 1935, page 213).	23

DOCUMENT NO.	DESCRIPTION	BRIEF PAGE NO.
2473-PS		
2608-PS	Extracts from a lecture by Frick "The Administration in Wartime" pages 13-17	39, 44
2847-PS	Extracts from the Reichsministerialblatt, 1933, regarding Cabinet change in the Common Business Order of the Reich Ministries, paragraph 57c, the Circulation of Drafts.	20
2848-PS	File memorandum, 23 December 1942 from the files of the Council of Ministers, initialled L.	
2849-PS	Das Dritte Reich Im Aufbau, Volume 4, page 81.	18, 25
2852-PS	Minutes of meetings of Council of Ministers.	42, 43
2957-PS	Duetscher Beamten-Kalender, 1940, page 111.	39
2959-PS	Neugestaltung von Recht und Wirtschaft, Stuckart and Rosen, Verwaltungsrecht, 1944, page 66.	24, 25, 26, 27, 30, 56
2960-PS	Das Reichsministerium des Innern, Medicus, 1940, page 62.	25
2961-PS	H. B. Brausse, Die Führungsordung des Deutschen Volkes, (1940), page 62.	
2962-PS	Minutes of Meeting of Cabinet 15 March 1933.	20
2963-PS	Minutes of Meeting of Cabinet 20 March 1933.	20
2964-PS	Völkischer Beobachter, Munich edition, February 1, 1937, page 1, columns 1-3,	15
2970-PS	Neugestaltung von Recht und Wirtschaft, Stuckart and Schiedermair, 1943, page 139.	38, 41
2986-PS	Affidavit of the defendant, Wilhelm Frick, 19 November 1945.	38, 40
2999-PS	Affidavit of Hans Heinrich Lammers, 22 November, 1945.	21, 43
EC-177	Protocol of 2nd session of Working Committee of the Delegates for Reich Defense.	33
EC-407	Minutes of 12th Meeting of the Reich Defense Committee	33

H1137 - 0005

H1137 - 0006

B. LAWS AND DECREES.

DOCUMENT NO.	DESCRIPTION	BRIEF PAGE NO,
D-138	Decree of 27 July 1934 regarding Hess' powers.	14
405-PS	Law of 19 May 1933 concerning Trustees of Labpr (abolishing collective bargaining) (1933, RGBl, I, 285).	69
1388-PS	Law confiscating property subversive to the people and the State. (1933, RGBl, I, 479).	28, 68
1388-K-PS	Law against the new establishment of parties. (1933, RGBl, I, 479).	68, 69
1389-PS	Law establishing Reich Labor Service (compulsory labor service). (1935, RGBl, I, 769).	70
1392-PS	Law on Hitler Youth (establishing the Hitler Youth). (1936, RGBl, I, 993).	70
1393-PS	Law on treacherous acts against State and Party, and for the protection of the Party uniforms. (1934, RGBl, I, 1269).	69
1395-PS	Law securing the unity of party and state. (1933, RGBl, I, 1016).	52, 53, 66, 68
1396-PS	Law confiscating communist property. (1933, RGBl, I, 293).	28, 68
1397-PS	Law purging civil service. (1933, RGBl, I, 175).	68
1398-PS	Law providing for the discharge of communist officials. (1933, RGBl, I, 518).	68
1400-PS	Law eliminating non-Aryan civil servants or civil servants married to non-Aryans. (1933, RGBl, I, 433).	68
1401-PS	Law permitting persons of non-Aryan descent to be refused permission to practice law and excluding communists from admission to the bar. (1933, RGBl, I, 188).	70
1402-PS	Law, the "Homestead Law" regarding the "peasantry" and excluding therefrom persons of Jewish blood. (1933, RGBl, I, 685).	70

DOCUMENT NO.	DESCRIPTION	BRIEF PAGE NO.
1410-PS	Law amending regulations on industrial enterprises forbidding Jews to engage in certain industrial enterprises. (1938, RGBl, I, 823).	70
1412-PS	Decree levying fine of one billion marks upon Jews of German nationality. (1938, RGBl, I, 1579).	28
1416-PS	Nürnberg Racial Law. (1935, RGBl, I, 1146).	28
1419-PS	Law discriminating against Jewish tenants. (1939, RGBl, I, 864).	28, 70
1654-PS	Law on compulsory conscription. (1935, RGBl, I, 369).	70
1662-PS	Decree eliminating Jews from German economic life of 12 November 1938. (1938, RGBl, I, 1580).	28
1770-PS	Law concerning factory representative councils and economic organizations, (controlling employee representation). (1933, RGBl, I, 161).	69
1861-PS	Law regulating National Labor (Placing leadership principle in industrial relations). (1934, RGBl, I, 45).	69
1862-PS	Ordinance for the execution of the Four Year Plan. (1936, RGBl, I, 887).	18
1915-PS	Decree concerning leadership of the Armed Forces. (1938, RGBl, I, 111).	52, 61, 66
1962-PS	Law changing the Penal Code (permitting punishment under analogous law). (1935, RGBl, I, 839).	69
2001-PS	Enabling Act. (1933, RGBl, I, 141).	17, 18
2002-PS	Law abolishing Reichsrat. (1934, RGBl, I, 89).	17
2003-PS	Law merging posts of Chancellor and President. (1934, RGBl, I, 747).	17, 69
2004-PS	Law for the integration of States into the Reich. (1933, RGBl, I, 153).	68
2005-PS	Law for the integration of states into the Reich. (1933, RGBl, I, 173).	28, 68
2006-PS	Law abolishing sovereignty of states (Lander). (1934, RGBl, I, 75).	18, 23, 68

H1137 - 0007

DOCUMENT NO.	DESCRIPTION	BRIEF PAGE NO.
2007-PS	Reich Governors' Law. (1935, RGBl, I, 65).	23,69
2008-PS	"Deutsche Gemeindeordnung", providing for the abolition of representatives or deliberative bodies in the municipalities. (1935, RGBl, I, 49).	69
2014-PS	Law creating People's Court. (1934, RGBl, 1, 341).	26, 69
2018-PS	Decree establishing the Council of Ministers. (1939, RGBl, I, 1539).	18,28,42
2022-PS	Law of 25 April 1933 restricting number of non-Aryan Germans in schools and higher institutions. (1933, RGBl, I, 225).	70
2029-PS	Law creating Ministry of Public Enlightenment and Propaganda. (1933, RGBl, I, 104).	26,66
2030-PS	Decree concerning duties of Ministry of Enlightenment and Propaganda. (1933, RGBl, I, 449).	26
2031-PS	Decree establishing the Secret Cabinet Council. (1938, RGBl, I, 112).	31
2039-PS	Decree concerning the employment of Eastern workers. (1942, RGBl, I, 419)	28, 43
2047-PS	Law extending Enabling Act. (1937, RGBl, I, 105).	18
2048-PS	Law extending Enabling Act. (1939, RGBl, I, 95).	18
2050-PS	The constitution of the German Reich, 11 August 1919, Article 68. (1919, RGBl, I, 1383).	17
2057-PS	Law concerning measures for emergency defense of the State (legalizing the Roehm purge). (1934, RGBl, I, 529).	69
2058-PS	Law creating Reich Governors. (1933, RGBl, I, 462.)	24
2073-PS	Law regarding Chief of the German Police (1936, RGBl, I, 487).	24,57,61,66
2075-PS	Law regarding Chief of the Foreign Organization. (1937, RGBl, I, 187).	37,66
2076-PS	Decree of the Cabinet creating special courts. (1933, RGBl, I, 136.)	68

H1137 - 0008

DOCUMENT NO.	DESCRIPTION	BRIEF PAGE NO.
2077-PS	Law for the care of fighters for the National revolution, (providing compensation for members of the Nazi party etc.) (1934, RGBl, I, 133).	38
2078-PS	Decree establishing Ministre of Education. (1934, RGBl, I, 365).	49, 66
2082-PS	Law establishing a Culture Chamber. (1933, RGBl, I, 661).	70
2089-PS	Decree relating to Reich Air Ministre. (1933, RGBl, I, 241).	48, 66
2090-PS	Law relating to the Ministry for Church Affairs. (1933, RGBl, I, 1029).	48, 66
2091-PS	Decree appointing a Reich Minister for Armaments and Munitions. (1940, RGBl, I, 513.)	48, 66
2092-PS	Law relating to the Reich Ministry for Armament and War Production. (1943, RGBl, I, 529).	48
2093-PS	Law relating to Forestry and Hunting Matters. (1934, RGBl, I, 617).	55, 66
2094-PS	Law relating to the Reich Labor Leader. (1937, RGBl, I, 95).	54, 61, 66.
2095-PS	Law relating to the Reich Labor Leader (1943, RGBl, I, 495).	54, 61
2097-PS	Decree regarding Chief of Presidential Chancellery. (1937, RGBl, I, 1317.)	55, 66
2098-PS	Decree relating to status of the Supreme Commanders of the Army and Navy. (1938, RGBl, I, 215.)	55, 66, 66
2099-PS	Decree relating to the Leader of the Party Chancellery. (1941, RGBl, I, 295).	15, 53, 66
2100-PS	Directive regarding the position of the Leader of the Party Chancellery. (1942, RGBl, I, page 35)	15, 53
2101-PS	Decree regarding the Inspector General of German highways. (1941, RGBl, I, 192)	56, 65, 66
2102-PS	Decree regarding Inspector General for Water and Power. (1941, RGBl, I, 467).	56, 65, 66
2103-PS	Decree extending Enabling Act. (1943, RGBl, I, 295).	18
2307-PS	Law on Anschluss with Austria. (1938, RGBl, I, 237).	70
2340-PS	Law on comprehensive civil service law (1937, RGBl, I, 41.)	69

H1137 - 0009

DOCUMENT NO.	DESCRIPTION	BRIEF PAGE NO.
2355-PS	Law providing for the submission of one list of candidates to the electorate for the entire Reich. (1938, RGBl, I, 258).	69
2548-PS	Law making the creation of new or continuance of existing parties an act of treason. (1935, RGBl, I, 341)	69
2550-Ps	Law of 16 September 1939 permitting second prosecution of an acquitted person before a special court, the members of which were named by Hitler (1939, RGBl, I, 1841).	69
2746-PS	Decree of 4 December 1941 regarding penal measures against Jews and Poles in the occupied Eastern territories. (1941, RGBl, I, 759).	43
2969-PS	Law of 16 February 1934 transferring administration of justice to the Reich. (1934, RGBl, I, 91).	68

H1137 - 0010

H1137-0011

C. LIST OF INDIVIDUAL DEFENDANTS INVOLVED.

BORMANN, Martin

DOENITZ, Karl

FRANK, Hans

FRICK, Wilhelm

FUNK, Walter

GOERING, Hermann

HESS, Rudolf

KEITEL, Wilhelm

NEURATH, Constantin U.K. von

PAPEN, Franz von

RAEDER, Erich

RIBBENTROP, Joachim von

ROSENBERG, Alfred

SCHACHT, Hjalmar

SCHIRACH, Baldur von

SEYSS-INQUART, Arthur

SPEER, Albert

H1137-0012

SECTION OF INDICTMENT.

Section (H) "INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT ONE" of Paragraph IV "Particulars of the nature and development of the common plan or conspiracy" of COUNT ONE - THE COMMON PLAN OR CONSPIRACY, page 10.

The paragraph entitled, "DIE REICHSREGIERUNG (REICH CABINET), set forth in Appendix B, page 35 of the indictment.

H1137 - 0013

LEGAL REFERENCES.

Article 9 of Section II "JURISDICTION AND GENERAL PRINCIPLES" of the Charter of the International Military Tribunal, Page 2:

"At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

"After receipt of the Indictment the Tribuanl shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard."

H1137 - 0014

I. COMPOSITION

The Reichsregierung (Reich Cabinet), as defined in the Indictment consists of persons who were members of the ordinary cabinet after 30 January 1933; of persons who were members of the Ministerrat für die Reichsverteidigung, (Council of Ministers for the Defense of the Reich), and of persons who were members of the Geheimer Kabinettsrat (Secret Cabinet Council).

The ordinary cabinet to which the term Reichsregierung was commonly applied consisted of the Fuehrer and Reich Chancellor Adolf Hitler; during the years 1933 - 1934, the Vice Chancellor, Franz von Papen,

> 351-PS - List of Cabinet members from Reich Chancellery files.
>
> Völkischer Beobachter, North German Edition, 31 January 1933.

and the persons holding the following positions:

(a) Heads of departments of the Central government.

THE REICH MINISTER OF AVIATION (Reichsluftfahrtminister).

THE REICH MINISTER OF ARMAMENTS AND WAR PRODUCTION (Reichsminister für Rustung und Kriegsproduktion), originally named Reich Minister of Armaments and Munitions (Reichsminister für Bewaffnung und Munition).

THE REICH MINISTER FOR CHURCH AFFAIRS (Reichsminister für die Kirchlichen Angelegenheiten).

THE REICH MINISTER OF ECONOMICS (Reichswirtschaftminister).

THE REICH MINISTER OF EDUCATION (Reichsminister für Wissenschaft, Erziehung und Volksbildung).

THE REICH MINISTER OF FINANCE (Reichsfinanzminister).

THE REICH MINISTER FOR FOOD AND AGRICULTURE (Reichsminister für Ernahrung und Landwirtschaft).

THE REICH MINISTER FOR FOREIGN AFFAIRS (Reichsminister des Auswärtigen).

H1137 - 0015

THE REICH MINISTER OF THE INTERIOR (Reichsminister des Innern).

THE REICH MINISTER OF JUSTICE (Reichsjustizminister).

THE REICH MINISTER OF LABOR (Reichsarbeitsminister).

THE REICH MINISTER FOR THE OCCUPIED EASTERN TERRITORIES. (Reichsminister für die besetzen Ostgebiete).

THE REICH MINISTER OF POSTS (Reichspostminister).

THE REICH MINISTER OF POPULAR ENLIGHTENMENT AND PROPAGANDA (Reichsminister fur Volksaufklarung und Propaganda).

THE REICH MINISTER OF TRANSPORT (Reichsverkehrsminister).

THE REICH MINISTER OF WAR (Reichskriegsminister). Originally termed Reich Defense Minister (Reichswehrminister). (Post abolished, 4 February 1938.)

(b) REICH MINISTERS WITHOUT PORTFOLIO.

(c) STATE MINISTERS ACTING AS REICH MINISTERS.

(d) OTHERS ENTITLED TO TAKE PART IN CABINET MEETINGS.

For a breakdown of these positions and the persons who occupied them between the years 1933 and 1945, see Appendix A

An alphabetical list of the positions held by individual cabinet members is found in Appendix B.

For a table of the additions made to the ordinary cabinet after 30 January 1933, see Appendix C.

For the composition of the Council of Ministers for the Reich Defense, and the Secret Cabinet Council, see parts B and D of this Brief.

H1137-0016

2. INTERRELATION OF CABINET AND NAZI PARTY.

Party participation in the work of the Cabinet was attained inter alia by the participation of Rudolf Hess, Hitler's deputy, in the work of the Cabinet. Gauweiler described Hess' function in this regard thus:

> "By an order of the Fuehrer, dated 25 (sic) July 1934, his deputy, as well as appointed reviewers, were given the power to take part in the editing of bills dealing with all the departments of the Reich. On the basis of this decree, the Deputy of the Fuehrer was to be invited to all discussions of the department heads to which he could also send his representatives. Drafts of the laws had to be presented to the Fuehrer, in the form of reviewer's drafts (Referentenentwurfe) and not as Cabinet bills. From a special order from the Fuehrer, 6 April 1935, this privilege of participation in government affairs by the Fuehrer's Deputy was expanded to include all executive decisions and orders insofar as they were published in the Reichsgesetzblatt. The Deputy of the Fuehrer can on his own initiative introduce bills, etc., regardless in what field; insofar as the good of the party is concerned, he is the man in charge."
>
> "Thus, the direct influence of the movement on the legislation and the executive branch was assured at a point where up to now the laws were an internal affair of the individual ministries. From now on, technical considerations or considerations of time cannot interfere with the requests and plans of the party."
>
> 1942-PS, Otto Gauweiler, Rechtseinrichtungen und Rechtsaufgaben der Bewegung, 1939, page 20.
>
> D-138, translation of decree of 27 July 1934 regarding Hess' powers.

In a letter of 9 October 1934 to Goebbels, Hess pointed out that his participation in law making meant the taking into account of the Nazi Party as such.

> D-139, Original Letter from Hess to Goebbels, 9 October 1934.

Hess' participation in drafting laws and decrees was extended in 1938 to include laws and decrees of the "Lander".

> D-140, original letter from Lammers to Reich Ministers, 12 April 1938.

After Hess' flight to England, Martin Bormann, as Leader of the Party Chancellery, took over the same functions and was given the authority of a Reich Minister and made a member of the Cabinet.

H1137-0017

2099 PS, Decree of 29 May 1941, RGBl, I, 295, relating to the Leader of the Party Chancellery.

2100 PS, Directive regarding the position of the Leader of the Party Chancellery, 1942 RGBl, I, p. 35.

On January 30, 1937, Hitler executed the acceptance into the Party of those members of the Cabinet who were not members before.

2964 PS, Völkischer Beobachter, 1 February 1937, South German edition.

Thereupon, von Eltz-Rübenach wrote to Hitler resigning his position as Minister of Posts and Minister of Transport, saying that as a Christian he could not accept membership in the National Socialist Party.

1534 PS, letter from von Eltz-Rubenach to Hitler, 30 January 1937.

His resignation was accepted immediately and Wilhelm Ohnesorge was appointed to the position of Minister of Posts, and Julius Dorpmueller to the position of Minister of Transport.

Das Archiv, February 1937, page 1619.

Huber, after referring to the fact that the "Ministry Hess" with its liaison staff was charged with asserting the Party's influence on the legislation and administration of the State, said in 1939 with reference to the unity of the Party and Reich Cabinet:

> "Unity of Party and Reich Cabinet (Reichregierung) is furthermore secured by the numerous personal unions, i.e. association of Central State Offices with corresponding party offices. Such personal unions exist in the cases of the Food Minister (Darré) (State and Party); and the Propaganda Minister, (Goebbels)(State and Party); the Chief of the German Police, (Himmler) (State and Party); and the Reich Labor Leader, (Hierl), (State and Party); the Chief of the Organization in foreign countries, (Bohle) (State and Party); and the Reich Youth Fuehrer, (von Schirach) (State and Party). Furthermore, the majority of the Reich Ministries is occupied by leading old party members. Finally, all Reich Ministers have been accepted by the Party on 30 January 1937 and have been decorated with golden party insignia."

1774 PS, Excerpt from Ernst Rudolf Huber, "Verfassungsrecht des Grossdeutschen Reiches", page 226 of original, page 3 - 4 of translation.

At the period of which Huber was writing, the Cabinet members to whom he referred held the following Party position: Darré was Leader of the Reich Office for Agricultural Policy; Goebbels was Reich

H1137 - 0018

Propaganda Leader of the NSDAP; Himmler was Reich Leader of the SS; Hierl was Reich Labor Leader; Bohle was Leader of the Foreign Organization; von Schirach was Reich Youth Leader.

National Socialist Yearbook, 1939,
page 190-191, 192.

Upon the appointment of Otto Thierack as Minister of Justice on 20 August 1942, Dr. Lammers pointed out that the Party and State were united by the appointment. (At the same time Thierack was named President of the Academy of German Law and Leader of the National Socialist Organization of Lawyers ("Rechtswahrerbundes")).

1997 PS, file on cabinet appointments
from the Presidential Chancellery.

Das Archiv, August 1942, page 429.

For Party positions of other cabinet members in 1943, see Document 2473 PS.

2473 PS, extracts from the National
Socialist Yearbook, 1943.

H1137-0019

3. GROWTH AND CONCENTRATION OF LEGISLATIVE POWERS

Under the Weimar Constitution, the supreme law making body of the German Reich was the Reichstag or German Parliament.

2050-PS, the Constitution of the German Reich, 11 August 1919, Article 68, 1919 RG Bl, I, p. 1383.

The separate states (Lander) were allowed to retain certain legislative functions (Ibid., Art. 12). Further, limited controls over Reich legislation were vested by the Constitution in the Federal Council (Reichsrat) who could raise objections to laws passed by the Reichstag (Ibid., Art. 74); in the President of the Reich, who could force a referendum by the people on any particular law that he did not wish to sign (Ibid, Art. 73); and in the people who had the right of initiative and referendum (Ibid, Art. 73). The cabinet could initiate legislation with the consent of the Reichsrat (Ibid., Art. 68, 69) but otherwise had no legislative powers and was primarily an executive body.

Upon the accession to power by the Nazis in January 1933, the legislative situation was quickly changed. The possibility of securing an enabling act from the Reichstag was discussed at the very first meeting of the new Cabinet under Hitler.

351-PS, Document showing list of Cabinet members and minutes of first session of Hitler's Cabinet, 30 January 1933.

On 24 March 1933, the Reichstag passed such an enabling law entitled "An Act to Relieve the Distress of the People and of the Reich".

2001-PS, 1933, Reichsgesetzblatt, Part I, p. 141

Under this law the cabinet secured unlimited legislative pwers, with the right to "deviate from the constitution insofar as they do not affect the position of the Reichstag and the Reichsrat", (Ibid, Art. 2). The law further decreed that the "powers of the President remain undisturbed", (Ibid, Art.2). But, the Reichsrat was abolished by the cabinet on 14 February 1934.

2002-PS, 1934, Reichsgesetzblatt, Part I, p. 89

while (upon the death of Hindenburg) the posts of Chancellor and President were merged,

2003-PS, 1934 Reichsgesetzblatt, Part I, p. 747.

Previously, on 30 January 1934, the separate states (Länder) were deprived of their independent character as states and their sovereign functions transferred to the Reich. That law abolished separate constitutions, separate Parliaments and embassies, and separate legislative power of the States.

This law contained a provision (Article 4) to the effect that "the Reichsregierung may issue new constitutional laws".

2006-PS, 1934 Reichsgesetzblatt, Part I, p. 75.

The Enabling Act of 24 March 1933 was at first restricted to four years

2001-PS, 1933 Reichsgesetzblatt, Part I, p. 141, Art. 5.

and then extended three times, twice by the Reichstag for a definite period

2047-PS, 1937 Reichsgesetzblatt, Part I, p. 105

2048-PS, 1939, Reichsgesetzblatt, Part I, p. 95

and the last time by an edict of the Fuehrer for an indefinite period.

2103-PS, 1939, Reichsgesetzblatt, Part I, p. 295.

The Reichstag after 1933 virtually ceased to function as a legislative body.

2849-PS, Das Duetcher Reich in Aufban, Vol. 4, p. 81

With the exception of the decree making power of Hitler and the Deputy of the Four Year Plan, Goering, (who was also a member of the Cabinet)

1862-PS, 1936, RGBl, I, p. 887

the Cabinet possessed, until 1939, the highest legislative power in the Reich.

Under the Secret defense Law of 4 September 1938 the Plenipotentiaries for Administration and Economy, who were in fact also the Ministers of the Interior and Economics respectively and to whom vertain other ministries were subordinated, were given the power to issue laws in agreement with the OKW whic could deviate from existing laws. (See below under section on creation of the Reich Defense Council and the Plenipotentiaries for Administration and Economy.

2194-PS, Top Secret letter of 4 September 1939 enclosing copy of Secret Defense Law of 4 September 1938.

A Fuehrer Decree on 30 August 1939 established the Council of Ministers for the Defense of the Reich and authorized the Council to issue decrees with statutory effect "insofar as I have not provided for the passing of a law by the Reich Cabinet (Reichsregierung) or the Reichstag". (See below under the section on the Council of Ministers for the Defense of the Reich.)

2018-PS, Decree of 30 August 1939, establishing the Council of Ministers, 1939, RGBl, I, 1539.

The cabinet retained its legislative powers to the end of the war.

Hitler announced early in 1940, in regard to the question as to the extent of the field of legislation of the Council of Ministers for the Defense of the Reich, that he believed it practical to reserve certain

H1137 - 0021

legislative missions for the Reich Cabinet (i.e. The ordinary cabinet.) On 14 June 1942, Dr. Lammers, Reich Minister and Chief of the Reich Chancellery expressed the opinion that Hitler, as well as Goering, had not changed their point of view in that regard, and that they would "stress the fact that the Fuehrer himself and the Reich Cabinet should not be eliminated from the powers of legislation".

352-PS, letter from Dr. Lammers to the Plenipotentiary for Administration, 14 June 1942.

As a matter of fact, Cabinet laws continued to be passed during the years 1939-1944 (i.e. after the establishment of the Council of Ministers) (1939-1944, RGBl, I, passim).

H1137-0022

4. CABINET MEETINGS AND CIRCULATION OF LAWS AND DECREES

At least in the early years of the Nazi regime, the ordinary Cabinet met frequently.

At the first meeting of the Cabinet on 30 January 1933, immediately upon the coming into power of Hitler as Chancellor, the following questions, inter alia, were discussed: The suppression of the Communist Party and the passage of an enabling law (Ermächtigungsgesetz).

> 351-PS, document showing list of Cabinet members and minutes of first session of Hitler's Cabinet, 30 January 1933.
>
> See also 2962-PS and 2963-PS, minutes of Cabinet meetings submitted in Document Code B.

Both of these objectives of the Nazi conspirators were, of course, shortly obtained as appears above and in the Brief on paragraph IV(D)2 under Count One of the indictment.

The Cabinet also consulted together by means of the written "circulation" procedure.

Under this procedure, drafts of laws prepared in the individual ministries were distributed through the Reich Chancellery to the other Cabinet members for an indication of their approval or disapproval.

> 2847-PS, extract from the Reichsministerialblatt, 1933, regarding Cabinet change in the Common Business Order of the Reich Ministries (Geschaftsordnung), Par 57c, the Circulation of Drafts.
>
> 2231-PS, extracts from "Die Reichskauzlei" Hermann von Stutterheim, pp. 32-34 of original, pp. 5-6 of translation.

Lammers, who was Leader and Chief of the Reich Chancellery, has stated that as Leader of the Reich Chancellery he circulated drafts of proposed laws and decrees submitted to him by the Minister who had drafted the law or decree to all members of the Reich Cabinet. A period of time was allowed for objections, after which the law was considered as being accepted by the various members of the Cabinet. This procedure was followed also in the Council of Ministers for the Defense of the Reich.

H1137 - 0023

This circulation of drafts of laws continued throughout the whole war.

2999-PS, affidavit of Hans Heinrich Lammers, 22 November 1944.

1701-PS, memorandum of 9 August 1943 from Frick to the Reich Minister and Chief of the Reich Chancellery enclosing 55 copies of a draft law, and memorandum of comment thereon by Rosenberg, 22 December 1943.

H1137 - 0024

5. LAWS AND DECREES PASSED BY THE ORDINARY CABINET

Among the laws and decrees enacted by the ordinary cabinet, and discussed in briefs relating to other sections of the indictment, which relate to the common plan or conspiracy of the defendants and which made possible or facilitated the commission of various of the crimes referred to in counts one, two, three and four of the indictment, may be cited those contained in Appendix D collated with reference to Paragraphs of Count I.

6. EXECUTIVE AND ADMINISTRATIVE POWERS

Control over executive and administrative powers of the Reich was secured to and concentrated in the Central Government of the Nazis -- the Cabinet -- by a series of steps that eliminated the separate states (Lander) as administrative bodies and reduced them to mere geographical divisions. The preliminary processes in that direction were completed on 30 January 1934 with the enactment of the Law for the Reconstruction of the Reich. By that law the states were definitely deprived of their character as States, their legislative assemblies were abolished and their sovereign powers transferred to the Reich.

2006 PS, 1934, Reichsgesetzblatt, Part I, Page 75.

Of the centralizing effects of this law, the defendant Frick said:

> "The relationship between Reich and Provinces has been placed on a completely new basis, unprecedented in the history of the German people. It gives to the Reich Government unlimited power, indeed it obligates it to build up a completely unified leadership and administration of the Reich! Thereby the German Reich has become a unified state and all administration in the provinces ensues only by order of and in the name of the Reich. The Province boundaries are only administrative technical boundaries of an area, but no longer boundaries of authority!"

2380 PS, article by Wilhelm Frick, "Der Sieg des deutschen Einheitsgedantens" (National Socialist Yearbook, 1935, page 213).

Further administrative control was effected by the Reich Governors Law passed by the Cabinet on 30 January 1935. This law made all Reich governors (Statthalter) permanent delegates of and subject to the order of the Cabinet and more especially the Reich Minister of the Interior.

2007-PS, 1935, Reichsgesetzblatt, Part I, page 75

These Statthalter had been previously created as the supreme state (Land) authorities deriving their existence by appointment of Hitler.

H1137 - 0025

H1137 - 0026

2058 PS, 1933, Reichsgesetzblatt,
Part I, page 462.

In Prussia unification was obtained by merging the various ministries and offices with those of the Reich, except in the case of the Minister of Finance. Hitler in turn kept the Office of Reich Governor of Prussia although he delegated the power to Goering.

Taschenbuch für Verwaltungsbeamte
1943, page 185.

Two important functions - Justice and Police - previously chiefly the domain of the states, were taken over by the Reich in 1934 and 1936 respectively. By a Cabinet Law of 16 February 1934, the Administration of Justice was transferred to the Reich. All courts became tribunals of the Reich and all ministries of justice of the Länder were abolished.

1934, Reichsgesetzblatt,
Part I, page 91.

Supreme control over police affairs was placed within the jurisdiction of the Reich by decree of 17 June 1936.

2073 PS, 1934, Reichsgesetzblatt,
Part I, page 487.

The executive and administrative powers gathered into the Central Nazi government, were collectively contained in the 16 principal ministries of the Cabinet.

1. The Foreign Office handled relations of the Reich and foreign countries. Diplomatic and consular services, as well as the office for foreign trade, were in this ministry.

2959-PS, Stuckart-Rosen, Verwaltungsrecht,
1944, page 66.

The Chief of the Foreign Organization of the Nazi Party, Ernst Wilhelm Bohle (who also became a member of the Cabinet), was attached to this office. The AO, as it was called, concerned itself with all matters dealing with Germans abroad.

Taschenbuch für Verwaltungsbeamte,
1942, page 8.

2. Ministry of the Interior.

Under the Nazi regime this was one of the most important ministries. Here belonged general administration, local administration, administration of civil service affairs, police

H1137-0027

administration, public health system, welfare system, geodetic system, and sport system. Under the Ministries were the Reich governors, the "land" governments, the Provincial Presidents (Oberpraesidenten) and District Presidents (Regierungspraesidenten), as well as police authorities. In addition, numerous central intermediary boards such as the Reich Health Office and the Reich Genealogical Office

2959-PS, Stuckart-Rosen (ibid, page 66)

Substantially all legislation was prepared in this ministry. Thus the "Enabling" Law of 24 March 1933 (see Section A-3 above), as well as the three racial Nürnberg laws, were drafted by this office.

2849-PS, Das Dritte Reich Im Aufbau, Volume 4, Page 81.

2960-PS, Das Reichsministerium des Innern, Medicus. 1940, page 62.

With the acquisition and occupation of new territories, the integration and coordination thereof were placed within this ministry. The Reich Minister of the Interior (in some cases in cooperation with other Reich Ministers) was given powers to regulate the affairs of; (a) Austria

1940, Reichsgesetzblatt, Part I, page 237;

(b) Eupen, Malmedy and Moresnet (1940, Reichsgesetzblatt, Part I, page 780); (d) Protectorate of Bohemia and Moravia (1939, Reichsgesetzblatt, Part I, page 485); (e) Danzig (1939, Reichsgesetzblatt, Part I, page 1547); (f) Memel Territory (1939, Reichsgesetzblatt, Part I, page 54); (g) Incorporated Poland (1939, Reichsgesetzblatt, Part I, page 2042); (h) Occupied Polish Territories

(1939, Reichsgesetzblatt, Part I, page 2077);

Norway (1941, Reichsgesetzblatt, Part I, page 765); and the

Saar (1935, Reichsgesetzblatt, Part I, page 66).

The Reich Labor Service also was originally under this ministry. In 1943, however, the leadership thereof was taken out of the jurisdiction of the Interior Ministry and was given

H1137-0028

the status of a Supreme Reich Authority. Reich Labor Leader Karistantin Hierl then received the rank of a Reich Minister. (See Section A-1 of this Brief).

In 1943 when Himmler was appointed Minister of the Interior, all power of the police, the SS and the Interior were united in his person.

3. The Ministry for Popular Enlightenment and Propaganda. This ministry was created on 13 March 1933.

2029-PS, 1933 Reichsgesetzblatt, Part I, page 104.

Every avenue or means of propaganda and opinion control -- radio, press, literature, motion pictures, art, theater -- were under the supervision and control of this ministry. Among other things, the film censorship offices, the Reich Chamber of Culture, the Reich Radio Company, and the Institute of Politics were agencies controlled and supervised by Goebbels as Minister of Propaganda.

2030-PS, 1933, Reichsgesetzblatt, Part I, page 449.

2959-PS, Stuckart-Rosen, Verwaltungsrecht, 1944, page 66.

4. The Reich Minister of Aviation who was also Supreme Commander (Oberbefelshaber) of the Air Force administered civil and military aviation.

2959-PS, Ibid, page 66.

5. The Reich Minister of Finance administered the budget and financial system of the Reich including taxes, monopolies and tariffs.

2959-PS, Ibid, page 66.

6. The Ministry of Justice handled all matters touching on the judicial system. Under the Minister were all courts and their personnel, and all prosecutors.

2959-PS, Ibid, page 66.

On 24 April 1934, the People's Court, the foremost instrument for exercising judicial terror, was created and placed within the jurisdiction of this Ministry.

2014-PS, 1934, Reichsgesetzblatt, Part I, Page 341.

7. The Reich Minister for Armament and War Production had the responsibility of bringing

> "to a level of highest production all offices active in producing arms and munitions. Furthermore, he is reponsible for the area of raw materials and productions in industry and manual labor".
>
> 2959-PS, Stuckart-Rosen, Verwaltungsrecht, 1944, page 67.

8. The Reich Minister for the Occupied Eastern Territories administered the occupied eastern (Russian) territories. Under him were the Reich Commissars, the Commissar General, Head Commissars and Area Commissars in those territories.

2959-PS, Ibid, page 67.

The other ministries, whose powers are inherent in the very nature of their portfolio, were Economics, Food and Agriculture, Labor, Education, Church Affairs, Transportation, and Posts.

2959-PS, Ibid, page 66 et. seq.

In addition, the Protector of Bohemia and Moravia, the defendant, von Neurath (later the defendant Frick): the Governor General of Poland, the defendant Hans Frank; the Reich Commissioner in the Occupied Netherland territories, the defendant, Seyss-Inquart; the Reich Youth Leader, the defendant Schirach (and later Axmann), were all Cabinet members. Furthermore the sole political party of the Reich--the Nazi Party--was officially represented in the cabinet, not only through Hitler, but through Hess and later the Leader of the Party Chancellery, the defendant Bormann. (See Section A-2 of this brief).

This tremendous concentration of executive, and administrative power in the Cabinet was further enhanced by many additional regulatory and administrative powers delegated to the several ministers by laws or decrees. The laws or decrees were themselves usually very broad, thereby leaving much room for discretionary action on the part of the designated enforcement Minister.

A few pertinent examples are:

H1137 - 0029

LAW	Minister or Ministers to whom enforcement or regulatory powers were delegated.
Cabinet law of 7 April 1933, purging the Civil Service 2005PS, 1933, Reichsgesetzblatt, Part I, page 175.	Interior, Finance.
Cabinet Law of 26 May 1933 confiscating communist property. 1396PS, 1933 Reichsgesetzblatt, Part I, page 293.	Interior.
Cabinet Law of 14 July 1933 confiscating property subversive to the people and the state. 1388PS, 1933, Reichsgesetzblatt, Part I, page 479.	Interior.
Reich Citizenship Law (Nurnberg) of 15 September 1935. 1416PS, 1935, Reichsgesetzblatt, Part I, page 1146.	Interior.
Cabinet law of 30 April 1939 discriminating against Jewish tenants. 1419PS, 1939, Reichsgesetzblatt, Part I, page 867.	Interior, Justice.
Decree of 12 November 1938 eliminating Jews from German economic life. 1662PS, 1938, Reichsgesetzblatt, Part I, page 1580.	Economics and competent ministries.
Decree of 12 November 1938 levying fine of one billion marks upon Jews of German Nationality. 1412PS, 1938, Reichsgesetzblatt, Part I, page 1579.	Finance and competent ministers.
Decree of 30 June 1942 regulating conditions of employment of Eastern workers. 2039PS, 1942, Reichsgesetzblatt, Part I, page 419.	Finance, Interior, Occupied Eastern Territories, Food and Agriculture. (In consultation with each other and the General Manpower authority).

Into the Council of Ministers for the Defense of the Reich (See Section D of this Brief), which was expressly created on 30 August, 1939, "for the uniform leadership of administration and economy", were collected and concentrated all the collective powers of the Cabinet as represented by the ministries and ministers therein contained.

2018 PS, 1939, Reichsgesetzblatt,
Part I, page 1539.

The Council of Ministers itself was a committee formed out of the secret Reich Defense Council. (See Section C of this Brief). Both of these bodies had as integral members

H1137 - 0030

thereof the Plenipotentiary for Economy, the Plenipotentiary for Administratic and the Chief of the High Command of the Armed Forces. (Ibid). Subordinate to and within the sphere of the directions of the Plenipotentiary for Economy were the Ministers of Economics, Food and Agriculture, labor, the Forest Master, and for limited purposes, the Reich Finance Ministry and the Reichsbank.

Subordinate to and within the sphere of the directions of the Plenipotentiary for Administration were the Ministers of Interior, Justice, Education, Churches, and the Reich Office for Spatial Planning (Raumordnung). Immediately under the Chief of the High Command of the Armed Forces, were the Reich Postal Ministers, the Reich Transportation Minister.

2194 PS, top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protector in Bohemia and Moravia, 4 September 1939, enclosing copy of the 1938 Secret Defense Law.

The Chief of the OKW could, under certain conditions, also give directions to the other two Plenipotentiaries and to the Reich Ministers not subordinate to them.

2194 PS, ibid, (Par. 11).

This concentration of power did not stop short at the top, but was also extended to the provincial level by the creation and appointment by the Council of Ministers of National Defense Commissioners. On 1 September 1942, 18 commissioners were appointed.

1939, RGBl, I, page 1565.

This number was increased to 42 on 16 November 1942.

1942, RGBl, I, page 649.

These commissioners were the executive agents of the Ministerial Council. They had no apparatus of their own, but had to utilize the existing local machinery. They were the superior administrative officials on the regional level.

Ibid.

H1137 - 0031

Further, the forty-two defense commissioners were also the Gauleiter of the Party.

2959-PS, Stuckart-Rosen, Verwaltungsrecht, 1944, page 81.

H1137 - 0032

H1137 - 0033

B. THE SECRET CABINET COUNCIL

The Secret Cabinet Council (GeheimerKabinettsrat) was established by decree of the Fuehrer of 4 February 1938.

2031 PS, decree establishing the Secret Cabinet Council, (1938, RGBl, I, page 112).

The members of the Secret Cabinet Council were: Reich Minister von Neurath, President: The Foreign Minister (von Ribbentrop); the Prussian Ministerial President, Minister of Air and Commander of the Air Force, (Göring); the Deputy of the Führer (Hess); the Minister of Propaganda (Goebbels); the Reich Minister and Chief of the Reich Chancellery (Lammers); the Commander-in-Chief of the Army (von Brauschitsch); the Commander-in-Chief of the Navy (Raeder); the Chief of the OKW (Keitel). The duty of the Secret Cabinet Council was to advise the Fuehrer on the conduct of foreign relations.

The President of the Secret Cabinet Council, von Neurath, was a member of the Reich Defense Council (Reichsverteidigungsrat. (See infra).

2194 PS, top secret letter of 4 September 1939 enclosing copy of Secret Reich Defense Law of 4 September 1938.

It is to be noted that all of the members of the Secret Cabinet Council were members of the ordinary cabinet.

Huber pointed out that the Secret Cabinet Council represented "a select committee" of the Cabinet for deliberation on foreign affairs.

1774 PS, extracts from Ernst Rudolf Huber, Verfassungsrecht des Grossdeutschen Reiches (1939), page 225 of original, page 3 of translation.

H1137 - 0034

C. CREATION OF THE REICH DEFENSE COUNCIL (Reichsverteidigungsrat) AND THE PLENIPOTENTARIES FOR ECONOMICS AND ADMINISTRATION.

Almost immediately upon Hitler's coming into power, the Cabinet commenced to implement the Nazi conspiracy to wage aggressive war. On 4 April 1933, it determined upon the establishment of the Reich Defense Council (Reichsverteidigungsrat). The President of the Reich Defense Council was Hitler, his deputy was the Reich Minister of Defense. The permanent members of the Reich Defense Council at that time were the Reich Ministers of Defense, Foreign Affairs, Interior, Finance, Economics, Popular Enlightenment and Propaganda, Air, the Chief of the Army Command Staff, and the Chief of the Navy Command Staff. As the occasion demanded, the remaining Ministers in the Cabinet and other persons, such as leading industrialists, were also members. At a meeting on 22 May 1933 of the so-called working committee of the delegates for Reich Defense (Arbeitsausschuss der referenten für die Reichsverteidigung) which appears to have been the same body later entitled Reich Defense Committee (Reichsverteidigungsausschuss) (referred to below), it was announced that the Reich Defense Council "in accordance with the Cabinet decision of the 4th April 1933", would "go into immediate action". The secrecy of the work of the Council was emphasized at this meeting. The minutes state:

H1137 - 0035

"The secrecy of all Reich Defense work has to be maintained very carefully. Communications with the outside by messenger service only, has been settled already with the Post Office, Finance Ministry, Prussian Ministry of the Interior and the Reichswehr Ministry. Main Principle of security: no document must be lost since, otherwise, the enemy propaganda would make use of it. Matters communicated orally cannot be proven, they can be denied by us in Geneva. Therefore, the Reichswehr Ministry has worked out security directives for the Reich Ministries and the Prussian Ministry of the Interior".

The duty of the so-called "delegates" who composed the working committee was described as being "to bring about a close cooperation of the Ministries with each other."

EC-177 - Protocol of the 2nd Session of the Working Committee of the Delegates for Reich Defense, 22 May 1943.

The secrecy of the activities of the working committee was emphasized several years later at a meeting of 14 May 1936, in which the defendant Keitel said:

"The picture of the situation does not appear in the reports of the meetings. The open discussion of State secrets before our large committee gives the special obligation to the chairman of the Reichs Defense Committee of pointing out its secrecy."

EC-407 - Minutes of the 12th meeting of the Reich Defense Committee (Reichsverteidigungsausschuss) 14 May 1936.

The duties of the Reich Defense Council are defined in paragraph 10 of the secret and unpublished Defense Law enacted by the Cabinet on 4 September 1938 as consisting "in peace time in the decision on all measures for the preparation of the Reich Defense and on gathering together of all forces and means of the nation according to the

directions of the leader and Reich Chancellor", (underscoring added).

Under the 1938 law the membership was:

Chairman - Hitler,

His permanent deputy - Goering,

The Reich Minister of Air and Supreme Commander of the Air Force,

The Supreme Commander of the Army,

The Supreme Commander of the Navy,

The Chief of the OKW,

The Deputy of the Leader,

The Reich Minister and Chief of the Reich Chancellory,

The President of the Secret Cabinet Council,

The Plenipotentiary for the Reich Administration,

The Plenipotentiary for Economics,

The Reich Minister of Foreign Affairs,

The Reich Minister of the Interior,

The Reich Finance Minister,

The Reich Minister for Popular Enlightenment and Propaganda.

The President of the Reich Bank Directory.

Other Reichsminister and Offices directly subordinated to Hitler were to be consulted if necessary.

Paragraph 11 of the 1938 law enumerates the membership of the Reich Defense Committee (Reichsverteidigungsausschuss), the working committee of the Reich Defense Council. It was presided over by the Chief of the OKW, and composed of the OKW, the Deputy of the Commissioner for the Four Year Plan, the operational staffs of the Plenipotentiary for Administration, (Generalbevollmächtigte für die Reichsverwaltung) (see below) -

H1137 - 0036

H1137 - 0037

And the Plenipotentiary for Economy, (Generalbevollmächtigte für die Wirtschaft) (see below), and the Reich Defense officials (RV Referenten). These defense officials were commissioned by Hitler's Deputy, Hess, by the Reich Chancellory, by each Reich Ministry, by the Reich Leader of the SS and Chief of the German Police (Himmler), by the Reich Labor Leader (Hierl), by the Reich Forest Master (Goering), by the General Inspector for German Roads (Deutsche Strassenwesen), by the Reich Office for Spatial Planning (Reichstelle für Raumordnung), by the Reichsbank Directorate, and by the Prussian State Ministry. They were immediately subordinate to the appointing Minister or Under Secretary and the chief of the Reich Office respectively.

2194 - PS, top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protector in Bohemia and Moravia, 4 September, 1939, enclosing copy of the 1938 Secret Defense Law.

In this way the Cabinet by its own law, signed by Hitler, Goering Hess, Frick, Funk and von Ribbentrop, set up a large war-planning body of sixteen members, all of whom were Cabinet members, and a small working committee composed also of Cabinet members and the Reich Defense officials, the majority of whom were appointed by Cabinet members and subordinated thereto.

That the working committee, the Reichsverteidigungsauschuss, was active in the year 1939 is shown from the fact that the "Mobilization Book for Civil Administration", 1939 edition, issued by the OKW contains the statement:

> "The acceptance of all new measures in the 'Mobilization Book for Civil Administration' must be requested from the Reich Defense Committee (Reichsverteidigungsauschuss).
>
> 1639-A-PS, excerpts from Mobilization Book for Civil Administration, 1939 edition, page 18 of original, page 4 of translation.

Article 6 of the Secret Defense Law, enacted by the Cabinet, 21 May 1935, provided for the appointment by Hitler of a Plenipotentiary for War Economy (Generalbevollmächtigte für die Kriegswirtschaft) whose task was "to put all economic

H1137 - 0038

H1137 - 0039

forces in the service of carrying on the war and to secure the life of the German people economically". Subordinated to him were the Reich Ministers of Economics, Food and Agriculture, and Labor, the Reich Forest Master and all Reich agencies immediately subordinate to Hitler. The financing of the war effort in the province of the Finance Ministry and the Reichsbank was done under his responsibility. The Plenipotentiary for War Economy was authorized to issue legal regulations deviating from existing law.

In a cabinet decision of the dame date, 21 May 1935, it was provided that the Plenipotentiary for War Economy would "begin his work already in peace-time". The ministries subordinate to him were "bound already in time of peace to observe his recommendations for the preparation of a war economy for the financing of the war effort".

Dr. Schacht, President of the Directorate of the Reichsbank, who was then Acting Minister of Economy was named by Hitler as Plenipotentiary for War Economy.

> 2261-PS, Top secret letter from von Blomberg, 24 June 1935 enclosing Secret Reich Defense Law of 21 May 1935 and Cabinet decision of 21 May 1935.

The Secret Defense Law enacted by the Cabinet on 4 September 1938, which superseded the Secret Defense Law of 21 May 1935, also provided (Pagraraph 4) for a Plenipotentiary for Economy (GeneralbevollmÄchtigte fur die Wirtschaft or GBW), who was to take over the direction of the economy upon declaration of a "state of defense". His task was to "put all economic forces into the service of the Reich defense, and to safeguard economically the life of the German nation". The same Reich Ministries as listed in the Secret Defense Law of 21 May 1935 were subordinated to him. These ministries were already (in time of peace) bound by the directions of the Plenipotentiary for Economy for the preparation of the Reich Defense (Paragraph 14).

The Plenipotentiary for Economy was the Reich Minister for Economy, Funk, who signed the law of 4 September 1938 in the former capacity.

Paragraph 3 of the law of 4 September 1938 provided further for a Plenipotentiary for Administration (General-bevollmächtigte fur die Reichsverwaltung or GBV) to whom were subordinated the Reich Ministers of Interior, Justice, Education and Church Affairs and the Reich Office for Spatial Planning (Raumordnung). His duties were to take over "the uniform leadership of the non-military administration with exception of the economic administration" upon the declaration of a "state of defense". (Paragraph 3). The officials subordinate to him, however, were bound by his directions "already in peace time". (Paragraph 13).

2194-PS, top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protectorate Bohemia and Moravia, 4 September 1939, enclosing copy of the 1938 Secret Defense Law.

The Plenipotentiary for Administration was the Reich Minister of the Interior, Frick. His deputy was Himmler. Upon Himmler's appointment as Reichsminister of the Interior, he succeeded Frick in both capacities.

2986-PS, affidavit of the defendant Wilhelm Frick, 19 November 1945.

2970 PS, Neugestaltung von Recht und Wirtschaft, Heft 131, Stuckart and Schiedermair, Neues Staatsrecht 1, (1943), page 139.

Das Archiv, August 1943, page 347.

Before the outbreak of the war the task of the Plenipotentiary for Reich Administration was the preparation of organization in the event of war, such as for instance, the appointment of liaison men in the different ministries who would keep in touch with the Plenipotentiary.

2986-PS, affidavit of the defendant, Wilhelm Frick, 19 November 1945.

Paragraph 5 of the law of 4 September 1938 provided that the Reich Minister of Transport, the Reich Minister of Posts and the Inspector General for German Roads would, with the declaration of a state of defense, receive orders from the OKW.

2194-PS, top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protectorate Bohemia and Moravia, 4 September 1939, enclosing copy of the 1938 Secret Defense Law.

H1137 - 0040

Thus all of the Ministries, with the exception of the Ministry of Propaganda, the Ministry of Air and the Foreign Office, were lined up in time of peace for purposes of war planning according to a law enacted by the Cabinet itself, in three groups headed respectively by the Plenipotentiary for Economy, the Plenipotentiary for Administration and the OKW, all of whom were in fact members of the Cabinet.

In a lecture at the University of Freiburg in 1940, Frick said:

> "The planned preparation (of the administration) for the possibility of a war has already been carried out during the peace. For this purpose the Fuehrer appointed a Plenipotentiary General for the Reich Administration and Plenipotentiary for the Economy."
>
> 2608 PS, extracts from a lecture by Frick, "The Administration in Wartime," page 13 of original, page 1 of translation.

The two Plenipotentiaries and the OKW formed what has been described as a "Three Man College" (Dreierkollegium).

> 2608 PS, extract from lecture by Frick at the University of Freiburg, 1940.
>
> 2957-PS. Deutscher Beamten-Kalender, 1940, page 111.

This system of a three man college functioned as follows, from a legislative point of view.

The Plenipotentiary for Economy was empowered by paragraph 4 of the Secret Defense Law of 4 September 1938 to issue laws within his sphere with the consent of the OKW and the Plenipotentiary for Administration, which differed from existing laws.

Similarly, the Plenipotentiary for Administration was empowered by paragraph 3 of the same law to issue laws within his sphere with the consent of the OKW and the Plenipotentiary for Economy, which differed from existing laws.

In the spheres of the Reich Minister of Posts, the Reich Minister of Transport and of the General Inspector for German roads (Generalinspektor für die Deutsche Strassenwesen), the Chief of the OKW had the right, under paragraph 5 of the same law, to issue laws in agreement with the Plenipotentiaries for Administration and Economy which differed from existing laws.

H1137 - 0041

H1137 - 0042

2194-PS, top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protectorate Bohemia and Moravia, 4 September 1939, enclosing copy of the 1938 Secret Defense Law.

It was the function of the three-man college, prior to September 1939, to plan war measures and draft decrees to be used in time of war. The Defendant Frick puts it in these words:

"Since as soon as the war started everything had to be done speedily and there would have been no time for planning, such measures and decrees were prepared in advance in case of war. All one then still had to do was to pull out of the drawer the war orders that had been prepared. Later on, after the outbreak of the war, these decrees were enacted by the Ministerial Council for the Defense of the Reich."

2986-PS, affidavit of the Defendant, Wilhelm Frick, 19 November 1945.

The activities of the "three-man college" prior to the outbreak of the war remained strictly secret. The publication of the Secret Defense Law of 21 May 1935 had been suspended, although it became effective on the date of its signature. A memorandum signed by the Deputy of the Reichsminister of Transport, dated 17 July 1939, stated that it remained prohibited publicly to cite the Secret Reich Defense Law of 4 September 1938, although it was permissible publicly to mention all institutions founded on the law and their functions, without referring to the law, and for the Plenipotentiaries of Administration and Economy to co-sign "laws which are prepared and announced in peace time for war."

2194-PS, top secret letter from the Ministry for Economy and Labor, Saxony, to the Reich Protectorate Bohemia and Moravia, 4 September 1939, enclosing copy of the 1938 Secret Defense Law.

No record has been found of either law ever having been published, even after the outbreak of the war. The published decrees of the three-man college, enacted pursuant to the 1938 law, do not make the customary recital of the specific law or decree under the authority of which they were enacted, but recite merely that they are enacted "on the basis of legislative authority" (auf Grund gesetzlicher Ermächtigung).

H1137 - 0043

2970-PS, Neugestaltung von Recht und Wirtschaft,
Heft 13[1], Stuckart and Schiedermaier,
Neuestaatsrecht 1, page 139.

H1137-0044

D. THE COUNCIL OF MINISTERS FOR THE DEFENSE OF THE REICH.

The Council of Ministers for the Defense of the Reich (hereinafter referred to as the Council of Ministers) was established by decree of the Fuehrer of 30 August 1939. It was formed out of the Reich Defense Council (Reichsverteidigungsrat) discussed supra, Section C. Its members were (Art. I (2)):

Chairman, General Field Marshal Hermann Goering.

The Deputy of the Fuehrer, Rudolf Hess.

The Plenipotentiary for Administration, Wilhelm Frick.

The Plenipotentiary for Economics, Walter Funk.

The Reich Minister and Chief of the Reich Chancellery, Hans Heinrich Lammers.

The Chief of the High Command of the Armed Forces, Wilhelm Keitel.

Other members of the Reich Defense Council, and other persons were entitled to take part in the meetings of The Council of Ministers (Art. I (3)).

2018 PS, decree of 30 August 1939 establishing the Council of Ministers, (1939, RGBl, I, 1539).

Such other persons, including members of the Reich Cabinet, did in fact take part in the meetings of the Council of Ministers as is shown in the minutes of its meetings of 1 September, 4 September, 19 September, 16 October and 15 November 1939.

2852-PS, Minutes of meetings of the Council of Ministers.

The Council of Ministers was given the power to pass decrees (Verordnungen) with the force of law if the Fuehrer did not order the passage of laws by the Reich Cabinet (Reichsregierung) or the Reichstag (Art. II).

The business of the Council of Ministers was managed by the Reich Minister and Chief of the Reich Chancellery, Hans Heinrich Lammers (Art. V).

The Council of Ministers was given the power by decree of the Fuehrer of 12 October 1939 to legislate for the Occupied Eastern Territories. (1939, RGBl, I, 2077).

Pursuant to this decree, the Council of Ministers enacted the following decrees inter alia:

H1137-0045

2746-PS, 1941, RGBl, I, 759 - The decree of 4 December 1941 regarding penal measures against Jews and Poles in the Occupied Eastern Territories.

2039-PS - Decree of 30 June 1942 concerning the employment of Eastern Workers. (1942, RGBl, I, 419).

The decrees of the Council of Ministers before enactment were circulated among all of the members by written communication from Dr. Lammers.

2231-PS - Translation from von Stutterheim, Die Reichskanzlei (1940), page 34.

2999-PS, affidavit of Hans Heinrich Lammers, 22 November 1945.

They were also circulated to all the various Reich Ministers who were not members of the Council of Ministers, for their comment.

1141-PS - Copy of letter from Dr. Lammers to the Members of the Council of Ministers for the Defense of the Reich, 17 September 1939.

The minutes of the Council of Ministers show that such questions as the following were discussed at their meetings: The population of the future Polish Protectorate and the placement of Jews living in Germany (19 September 1939); treatment of Polish prisoners of war (15 November 1939).

2852-PS, minutes of the Council of Ministers.

Between 1 September 1939 and 31 August 1942, the Council of Ministers published 157 decrees.

Between 27 August 1939 and 31 August 1942 sixty-one decrees were "announced by authority of the Reich Defense Law" (i.e., pursuant to the system of the "three-man college").

In a lecture in 1940, Frick pointed out that the Deputy of the Fuehrer represented the Party on the Council of Ministers "thus guaranteeing the unity between Party and State also within the Ministerial Council for the Defense of the Reich".

H1137 - 0046

He characterized the Council of Ministers as "the highest permanent organ of the Reich with comprehensive jurisdiction, responsible only to the Fuehrer". "The composition of the Ministerial Council for the Defense of the Reich", he added, "shows the real concentration of power in it".

2608-PS, Extracts from lecture by Frick, 1940, "The Administration in Wartime", page 15 of original, page 2 of translation.

H1137 - 0047

ARGUMENT AND CONCLUSION

From 1933 to the end of the war the Reichsregierung comprised the dominant body of influence and leadership--below Hitler--in the Nazi government. Three subdivisions are included in the term Reichsregierung, the ordinary cabinet, the Secret Cabinet Council, the Council of Ministers for the Defense of the Reich. Yet, in reality, there was only an artificial illusory boundary between the three. In the ordinary cabinet (commonly referred to as the Reichsregierung) were the leading political and military figures in the Nazi government. Seventeen of the twenty-four defendants were members thereof. From the body of the ordinary cabinet were selected not only the members of the Secret Cabinet Council and the Council of Ministers for the Defense of the Reich, but also the members of the war planning group, the Reich Defense Council, which was in fact secret. And when it was deemed essential, for the purposes of the conspiracy to wage aggressive war, to concentrate power in a few individuals, again the members of the ordinary cabinet were used as a manpower pool. Thus, the Plenipotentiaries for Economy and Administration were also ministers in the ordinary cabinet. And they were also members of the Council of Ministers as well as the Reich Defense Council. Under them were grouped all but three of all the ministries in the ordinary cabinet. Members of the ordinary cabinet attended meetings of the Council of Ministers and the draft decrees of the latter body were circulated to all members of the ordinary cabinet. Where political considerations of foreign policy required another small group to act as advisers, the members of the Secret Cabinet Council were drawn from the ordinary cabinet.

The Cabinet was dominated by the Nazi party through the control exercised over its legislation by the Fuehrer's deputy, Hess, and later by the leader of the Party Chancellery, Bormann, as well as through the individual party

H1137 - 0048

membership of all members, and the union of various key cabinet and Party positions in one man.

Through the union in various individual Cabinet members, not only of Cabinet and Party positions but also of important Governmental positions outside the Cabinet, an enormous concentration of political power was centered within the Cabinet.

Through its interrelated meetings and the circulation procedure which continued during the whole period of the Nazi regime, the Cabinet functioned as a cohesive group. Every member was free to resign, as von Eltz-Rubenach did in 1937, when he protested that his Christian principles would not permit him to accept the Party membership conferred on Cabinet members.

The laws enacted by the Cabinet as a whole established the framework within which the Nazi conspirators established their control of Germany as set forth in Count I of the indictment and committed the crimes referred to in Counts I, II, III, IV of the indictment.

Moreover, the Cabinet, as a whole, almost immediately upon the coming into power of Hitler became a war planning group through its establishment in April 1933 of a Reich Defense Council and its enactment of the Reich Defense Laws of 1935 and 1938. In this capacity it functioned in the utmost secrecy, as has been shown above.

Individually, Cabinet members were responsible for innumerable criminal acts, as is shown by the briefs on the seventeen defendants who were members of the Cabinet.

CONCLUSION

By providing the legal framework for the common plan and conspiracy described in Count One of the Indictment-particularly by becoming an active participant in the common plan or conspiracy to commit crimes against peace-; by the passage of harsh penal laws, discriminatory laws, confiscatory laws, in violation of the principles and laws

H1137 - 0049

of justice and humanity and by virtue of the acts of the individual criminals collectively functioning therein, the Reichsregierung as defined in Appendix B, page 35 of the indictment, should be declared a criminal group within the meeting of Article 9 of Section II of the Charter of the International Military Tribunal.

H1137 - 0050

APPENDIX A

(a) HEADS OF DEPARTMENTS OF THE CENTRAL GOVERNMENT (REICH MINISTERS):

AIR (REICHSLUFTFAHRTMINISTER):

"

Goring, Hermann

5 May 1933 - March 1945.

351-PS, list of Cabinet members and minutes of session, 30 January 1933.

2089-PS, 1933, RGBl, I, 241.

ARMAMENTS AND WAR PRODUCTION:

Todt, Fritz. "Minister of Armaments and Munitions", (Reichsminister fur Bewaffnung und Munition). (Deceased).

17 March 1940 - 8 February 1942.

2091-PS, 1940, RGBl, I, 513.

Speer, Albert. "Minister of Armaments and War Production",(Reichsminister fur Rustung und Kriegsproduktion).

9 February 1942 - March 1945.

Das Archiv, February 1942, page 1015.

2092-PS, 1943, RGBl, I, 529.

CHURCH AFFAIRS: (Reichsminister fur die Kirchlichen Angelegenheiten).

Kerrl, Hans. (deceased)

16 July 1935 - 13 December 1942.

351-PS, supra.

2090-PS, 1935, RGBl, I, 1029.

Muhs, Hermann, acting.

3 February 1942 - March 1945.

1997-PS, file on Cabinet appointments from the Presidential Chancellery.

H1137-0051

ECONOMICS (Reichswirtschaftminister)

Hugenberg, Alfred.

30 January 1933 - 29 June 1933.

351-PS, supra.
"
Volkischer Beobachter, North German edition, 31 January 1933.

Schmitt, Kurt.

30 June 1933 - 30 July 1934.

351-PS, supra.
"
Volkischer Beobachter, 1 July 1933, page 2.

Schacht, Hjalmar, acting.

30 July 1934 - 26 November 1937.

351-PS, supra.
"
Volkischer Beobachter, Munich edition, 31 January 1935.

Das Archiv, August 1934, page 715.

Goering, Hermann, acting.

26 November 1937 - 15 January 1938.

Das Archiv, November 1937 ,page 1021.

Funk, Walter.

15 January 1938 - March 1945.

Das Archiv, November 1937, page 1021.

EDUCATION (Reichsminister fur Wissenschaft Erziehung und Volksbildung):

Rust, Bernard.

1 May 1934 - March 1945.

Das Archiv, May 1934, page 227.

2078-PS, 1934, RGBl, I, page 365.

FINANCE (Reichsfinanzminister):

Schwerin von Krosigk, Lutz.

30 January 1933 - March 1945.

"
Volkischer Beobachter, North German edition, 31 January 1933.

H1137 – 0052

FOOD AND AGRICULTURE (Reichsminister für Ernährung und Landwirtschaft)

Hugenberg, Alfred.

30 January 1933 - 29 June 1933.

351-PS, supra.

Volkischer Beobachter, North German edition, 31 January 1933.

Darré, Walter R. O.

30 June 1933 - March 1945. (On leave since May 1942).

Volkischer Beobachter, South German edition, 1 July 1933, page 2.

Das Archiv, May 1942, page 195.

Backe, Herbert, acting.

23 May 1942 - March 1945 (with title of Reich Minister as of 4 April 1944).

Das Archiv, May 1942, page 195.

1997-PS, supra.

FOREIGN AFFAIRS (Reichsminister des Auswärtigen):

von Neurath, Constantin U. K.

30 January 1933 - 4 February 1938.

351-PS, supra.

Volkischer Beobachter, North German edition, 31 January 1933.

von Ribbentrop, Joachim.

4 February 1938 - March 1945.

Das Archiv, February 1938, page 1417.

INTERIOR. (Reichsminister des Innern):

Frick, Wilhelm.

30 January 1933 - 25 August 1943.

351-PS, supra.

Volkischer Beobachter, North German edition, 31 January 1933.

Himmler, Heinrich. (deceased).

25 August 1943 - March 1945.

Das Archiv, August 1943, page 347.

H1137-0053

JUSTICE (Reichsjustizminister):

Gurtner, Franz (deceased).

1 February 1933 - 29 January 1941.

351-PS, supra.

Volkischer Beobachter, North German edition, 2 February 1933.

Schlegelberger, Franz, acting.

29 January 1941 - 20 August 1942.

Das Archiv, January 1941, page 1000.

Thierack, Otto.

20 August 1942 - March 1945.

1997-PS, supra.

LABOR (Reichsarbeitsminister):

Seldte, Franz.

30 January 1933 - March 1945.

351-PS, supra.

Volkischer Beobachter, North German edition, 31 January 1933.

OCCUPIED EASTERN TERRITORIES (Reichsminister fur die besetzen Ostgebiete)

Rosenberg, Alfred.

17 July 1941 - March 1945.

1997-PS, supra.

POPULAR ENLIGHTENMENT AND PROPAGANDA. (Reichsminister für Volksaufklärung und Propaganda)

Goebbels, Paul Joseph.(deceased)

13 March 1933 - March 1945.

351-PS, supra.

Volkischer Beobachter, Munich edition, 14 March 1933, page 2.

POSTS. (Reichspostminister)

von Eltz-Rübenach, Peter Paul.

30 January 1933 - 2 February 1937.

351-PS, supra.

Volkischer Beobachter, North German edition, 31 January 1933.

1534-PS, letter of resignation, 30 January 1937.

H1137-0054

Ohnesorge, Wilhelm.

2 February 1937 - March 1945.

Das Archiv, February 1937, page 1619.

TRANSPORT (Reichsverkehrminister):

" von Eltz Rubenach, Peter Paul.

30 January 1933 - 2 February 1937.

351 PS, supra.

" Volkischer Beobachter, North German edition, 31 January 1933.

1534-PS, supra.

" Dorpmuller, Julius.

2 February 1937 - March 1945.

Das Archiv, February 1937, page 1619.

WAR (Reichskriegsminister):

von Blomberg, Werner Eduard Fritz.

30 January 1933 - 4 February 1938.

351-PS, supra.

" Volkischer Beobachter, North German edition, 31 January 1933.

(b) REICH MINISTERS WITHOUT PORTFOLIO.

THE CHIEF OF THE OKW (Chef des OKW), with the rank of Reich Minister.

Keitel, Wilhelm.

4 February 1938 - March 1945.

1915 PS, 1938, RGBl, I, 111.

THE CHIEF OF THE REICH CHANCELLERY (Chef der Reichskanzlei).

Lammers, Hans Heinrich.

30 January 1933 - March 1945. Appointed State Secretary and Chief of the Reich Chancellery 30 January 1933, and as Reich Minister, 26 November 1937.

1937, RGBl, I, 1297.

351-PS, supra.

Das Archiv, November 1937, page 1021.

THE DEPUTY OF THE FUEHRER (Stellvertreter), a "Member of the Reich Cabinet" (Mitglieder der Reichsregierung).

Hess, Rudolph.

1 December 1933 - 26 May 1941.

351 PS, supra.

1395-PS, 1933, RGBl, I, 1016.

H1137-0055

THE CHIEF OF STAFF OF THE SA (Chef des Stabes der SA), a "Member of the Reich Cabinet", "Mitglieder der Reichsregierung).

Roehm, Ernst.

1 December 1933 - 30 June 1934.

1395-PS, 1933, RGBl, I, 1016.

THE LEADER OF THE PARTY CHANCELLERY (Leiter der Partei-Kanzlei), a member of the cabinet with authority of Reich Minister.

Bormann, Martin.

29 May 1941 - March 1945.

2099 PS, 1941, RGBl, I, 295.

2100 PS, 1942, RGBl, I, 35.

Goering, Hermann (See also above under Heads of Departments).

30 January 1933 - 5 May 1933

351-PS, supra.

"Volkischer Beobachter, North German edition, 31 January 1933.

Frank, Hans

19 December 1934 - May 1945.

351-PS, supra.

Das Archiv, December 1934, page 1197.

von Neurath, Constantin H.K. (See also above under Heads of Departments).

4 February 1938 - March 1945. Retained the title of Reich Minister upon appointment as President of the Secret Cabinet Council.

Das Archiv, February 1938, page 1417.

Ibid, August 1943, page 348.

H1137-0056

Schacht, Hjalmar (See also above under Heads of Departments).

26 November 1937 -21 January 1943.

Das Archiv, November 1937, page 1021.

1997-PS, supra.

Seyss-Inquart, Arthur.

1 May 1939 - March 1945.

Das Archiv, May 1939, page 212.

Frick, Wilhelm.

25 August 1943 - March 1945. Retained the title of Reich Minister upon his appointment 25 August 1943 as Reich Protector for Bohemia and Moravia.

Das Archiv, August 1943, page 347.

Hierl, Konstantin.

20 August 1943 - March 1945. (Prior to this time as Reich Labor Leader (Reichsarbeitsfuhrer), on 30 January 1937 he had been given the right to participate in Cabinet meetings as far as his jurisdiction was concerned).

2094-PS, 1937, RGBl, I, 95.

2095-PS, 1943, RGBl, I, 495.

"Taschenbuch fur Verwaltungsbeamte, 1943, page 13.

(c) STATE MINISTERS ACTING AS REICH MINISTERS.

THE STATE MINISTER OF THE PROTECTORATE OF BOHEMIA AND MORAVIA.

Frank, Karl Hermann.

(With the rank of Reich Minister.)

25 August 1943 - May 1945.

Das Archiv, August 1943, Page 348.

H1137-0057

THE STATE MINISTER AND CHIEF OF THE PRESIDENTIAL CHANCELLERY, (Chef der Prasidialkanzlei).

Otto Meissner.

1 December 1937 - March 1945.

1997-PS, supra.

2097-PS, 1937, RGBl, I, 1317.

(d) OTHERS ENTITIED TO TAKE PART IN CABINET MEETINGS.

THE COMMANDER-IN-CHIEF OF THE ARMY (Oberbefehlshaber des Heeres).

von Fritsch, Werner, with the rank of Reich Minister (deceased).

20 April 1936 - February 4, 1938.

Das Archiv, April 1936, page 45.

von Brauchitsch, Walter H.A.A, with the rank of Reich Minister, and the right to sit in cabinet meetings.

25 February 1938 - 21 December 1941.

2098-PS, 1938, RGBl, I, 215.

THE COMMANDER IN CHIEF OF THE NAVY (Oberbefehlshaber der Kriegsmarine).

Raeder, Erich, given the rank of Reich Minister 20 April 1936, and the right to sit in cabinet meetings 25 February 1938-30 January 1943.

Das Archiv, April 1936, page 45.

2098-PS , 1938, RGBl, I, 215.

Doenitz, Karl, with the right to sit in Cabinet meetings.

30 January 1943 - March 1945.

2098-PS, 1938, RGBl, I, 215.

"Volkischer Beobachter, South German edition, 31 January 1943.

THE REICH FOREST MASTER (Reichsforstmeister), with the authority of a Reich Minister.

Goering, Hermann.

12 July 1934 - March 1945.

2093-PS, 1934, RGBl, I, 617.

Das Archiv, July 1934, page 519.

THE INSPECTOR GENERAL OF GERMAN HIGHWAYS (Generalinspektor fur das deutchestrassenwesen), with the authority of a Reich Minister.

Todt, Fritz (deceased).

3 April 1941 - 8 February 1942.

2101 PS, 1941, RGBl, I, page 192.

1942, RGBl, I, page 80.

Speer, Albert.

9 February 1942 - March 1945.

Das Archiv, February 1942, page 1015.

1942, RGBl, I, page 80.

THE INSPECTOR GENERAL FOR WATER AND POWER, (Generalinspektor fuer Wasser und Energie), with the authority of a Reich Minister.

Todt, Fritz (deceased).

29 July 1941 - 8 February 1942.

2102 PS, 1941, RGBl, I, 467.

1942, RGBl, I, page 80.

Speer, Albert.

9 February 1942 - March 1945.

Das Archiv, February 1942, page 1015.

1942, RGBl, I, page 80.

THE REICH YOUTH LEADER (Jugendfuhrer der Deutschen Reichs).

Baldur von Schirach.

1 December 1936 - 10 August 1940.

Deutscher Beamten-Kalender, 1941, page 104.

Taschenbuch, fur Verwaltungsbeamte, 1939, page 3.

Affidavit of Baldur von Schirach, undated.

Axmann, Arthur.

10 August 1940 - March 1945.

Das Archiv, August 1940, page 467.

2959-PS, Neugestaltung von Recht und Wirtschaft, Heft 14, Verwaltungsrecht, Stuckart and von Rosen, 1944, page 68.

H1137 - 0058

THE CHIEF OF THE FOREIGN ORGANIZATION (Auslansorganisation) OF THE FOREIGN OFFICE, with the right to take part in Cabinet meetings when his jurisdiction was concerned.

Bohle, Ernst W.

30 January 1937 - March 1945.

2075-PS, 1937, RGBl, I, 187.

THE CHIEF OF THE GERMAN POLICE IN THE REICH MINISTRY OF THE INTERIOR (Chef der Deutschen Polizei im Reichsministerium des Innern), with the right to take part in Cabinet meetings if his jurisdiction was concerned.

Himmler, Heinrich. (See also above under Heads of Departments).

17 June 1936 - 25 August 1943.

2073-PS, 1936, RGBl, I, 487.

THE PRUSSIAN FINANCE MINISTER.

von Popitz, Eduard H. J.

30 January 1933 - July 1944. (Reported to be dead).

1774-PS, excerpt from Ernst Rudolf Huber, Verfassungsrecht des Grossdeutschen Reichs, page 225 of original, page 2 of translation.

THE COMMISSIONER FOR THE CREATION OF EMPLOYMENT. (Reichskommissar für Arbeitsbeschaffung).

Gereke, Dr.

30 January 1933 - April 1933 (?).

Volkischer Beobachter, North German edition, 31 January 1933.

THE CABINET PRESS CHIEF (Presschef der Reichsregierung).

Funk, Walter. (See also above under Heads of Departments).

30 January 1933 - 26 November 1937.

361 PS, supra.

Dietrich, Otto.

26 November 1937 - March 1945.

Das Archiv, November 1937, page 1102.

Taschenbuch fur Verwaltungsbeamte, 1943, page 4.

National Socialist Yearbook, 1944, page 291.

H1137-0059

H1137 - 0060

A P P E N D I X B

List of positions held by individual Cabinet Members
(For citations see Appendix A)

AXMANN, ARTHUR - Reich Youth Leader entitled to take part in Cabinet meetings if his jurisdiction was involved, 10 August 1940-March 1945.

BACKE, HERBERT - Acting as Reich Minister for Food and Agriculture 23 May 1942 and given the title of Reich Minister 4 April 1944.

VON BLOMBERG, Werner Eduard Fritz - Reich Minister of Defense (Title changed to Minister of War in March 1935), 30 January 1933 - 4 February 1938.

BOHLE, ERNST WILHELM - Chief of the Foreign Organization of the Foreign Office with the right to take part in Cabinet meetings when his jurisdiction was concerned, 30 January 1937 - March 1945.

BORMANN, MARTIN - Leader of the Party Chancellery and a member of the Cabinet with authority of a Reich Minister 29 May 1941 - March 1945.

VON BRAUCHITSCH, WALTER H. A. A.- Commander-in-Chief of the Army with the rank of Reich Minister and the right to sit in Cabinet meetings, 25 February 1938 - 21 December 1941.

DARRE, WALTER R. O. - Reich Minister of Food and Agriculture, 30 June 1933 - March 1945 (on leave since May 1942).

H1137 - 0061

DIETRICH, OTTO - Press Chief of the Reichsregierung, 26 November 1937 - March 1945.

DOENITZ, KARL - Commander-in-Chief of the Navy with the right to sit in Cabinet meetings, 30 January 1943 - May 1945.

DORPMÜLLER, JULIUS - Reich Minister of Transport, 2 February 1937 - March 1945.

VON ELTZ-RÜBENACH, PETER PAUL - Reich Minister of Posts and Reich Minister of Transports, 30 January 1933-2 February 1937.

FRANK, HANS - Reich Minister Without Portfolio, 19 December 1934 - March 1945.

FRANK, KARL HERMANN - State Minister of the Protectorate of Bohemia and Moravia with the rank of Reich Minister 25 August 1934 - March 1945.

FRICK, WILHELM - Reich Minister of the Interior, 30 January 1933 - 25 August 1943; retained the title of Reich Minister upon his appointment 25 August 1943, as Reich Protector for Bohemia and Moravia.

H1137 - 0062

VON FRITSCH, WERNER - Commander-in-Chief of the Army with the rank of Reich Minister 20 April 1936 - 4 February 1938 (deceased)

FUNK, WALTER - Press Chief of the Reichsregierung, 30 January 1933 - 26 November 1937; Reich Minister of Economics 15 January 1938 - March 1945.

GERECKE, DR. - Commissioner for the Creation of Employment, 30 January 1933 - April 1933(?).

GOEBBELS, PAUL JOSEPH - Reich Minister of Popular Enlightenment and Propaganda, 13 March 1933 - March 1945 (deceased).

GOERING, HERMANN - Reich Minister Without Portfolio, 30 January 1933; Reich Minister of Air, 5 May 1933 - March 1945; Reich Forest Master with the authority of a Reich Minister, 12 July 1934 - March 1945.

H1137-0063

GURTNER, FRANZ - Reich Minister of Justice, 1 February 1933 - 29 January 1941, (deceased).

HESS, RUDOLF - Deputy of the Fuehrer and "member of the Reich Cabinet" 1 December 1933 - 26 May 1941.

HIERL, KONSTANTIN - Reich Labor Leader, given the right on 30 January 1937 to participate in Cabinet meetings when his jurisdiction was involved and given the power of a Reich Minister, 20 August 1943.

HIMMLER, HEINRICH - Chief of the German Police in the Reich Minister of Interior with the right to take part in Cabinet meetings if his jurisdiction was involved, 17 August 1936; made Reich Minister of the Interior, 25 August 1943.

HUGENBERG, ALFRED - Reich Minister of Economics and Reich Minister of Food and Agriculture, 30 January 1933 - 29 June 1933.

KEITEL, WILHELM - Chief of the OKW with the rank of Reich Minister 4 February 1938 - March 1945.

H1137 - 0064

KERRL, HANS - Reich Minister Without Portfolio, 16 June 1934 and Reich Minister for Church Affairs 16 July 1935 - 13 December 1942 (deceased).

LAMMERS, HANS HEINRICH - Chief of the Reich Chancellery, appointed State Secretary and Chief of the Reich Chancellery 30 January 1933 and as Reich Minister 26 November 1937.

MESSNER, OTTO - State Minister and Chief of the Presidential Chancellery with the Rank of Reich Minister, 1 December 1937.

MUHS, HERMANN - Acting as Reich Minister for Church Affairs, 3 February 1942 - March 1945.

VON NEURATH, CONSTANTIN U. K. - Reich Minister for Foreign Affairs, 30 January 1933-4 February 1938, retained the title of Reich Minister upon appointment as President of the Secret Cabinet Council, 4 February 1938.

OHNESORGE, WILHELM - Reich Minister of Posts. 2 February 1937,- March 1945.

VON PAPEN, FRANZ - Vice-Chancellor, 30 January 1933 - 30 July 1934.

H1137 - 0065

VON POPITZ, EDUARD H.J.

Prussian Finance Minister with the right to take part in Cabinet meetings 30 January 1933--July 1944. (Reported to be deceased).

RAEDER, ERICH

Commander-in-Chief of the Navy with the rank of Reich Minister 20 April 1936, and the right to sit in Cabinet meetings 25 February 1938-30 January 1943.

VON RIBBENTROP, JOACHIM

Reich Minister of Foreign Affairs, 4 February 1938--March 1945.

ROEHM, ERNST

Chief of the SA and "a member of the Reich Cabinet", 1 December 1933--30 June 1934.

ROSENBERG, ALFRED

Reich Minister for the Occupied Eastern Territories 17 July 1941--March 1945.

RUST, BERNARD

Reich Minister of Education, 1 May 1934--March 1945.

SCHACHT, HJALMAR

Acting as Reich Minister for Economics, 30 July 1934--26 November 1937, and Reich Minister without portfolio, 26 November 1937--21 January 1943.

H1137 - 0066

VON SCHIRACH, BALDUR

Reich Youth Leader with the right to take part in Cabinet meetings, 1 December 1936--10 August 1940.

SCHLEGELBERGER, FRANZ

Acting as Reich Minister of Justice, 29 January 1941--20 August 1942.

SCHMIDT, KURT

Acting as Reich Minister for Economics, 30 June 1933--30 July 1934.

SCHWERIN VON KROSIGK, LUTZ

Reich Minister of Finance, 30 January 1933--March 1945.

SELDTE, FRANZ

Reich Minister of Labor, 30 January 1933--March 1945.

SEYSS-INQUART, ARTHUR

Made a Reich Minister without portfolio 1 May 1939--March 1945.

SPEER, ALBERT

Reich Minister of Armaments and War Production (originally known as Reich Minister of Armaments and Munitions), 9 February 1942--May 1945; Inspector General of German Highways and Inspector General of Water and Power with the authority of a Reich Minister, 9 February 1942--May 1945.

H1137 - 0067

THIERACK, OTTO

Reich Minister of Justice, 20 August 1942--
March 1945.

TODT, FRITZ

Minister of Armaments and Munitions, 17 March 1940--
8 February 1942; Inspector General of German
Highways with the authority of a Reich Minister,
3 April 1941--8 February 1942, and Inspector
General for Water and Power with the authority
of a Reich Minister, 29 July 1941--8February 1942.

H1137-0068

APPENDIX C

ADDITIONS TO ORDINARY CABINET AFTER 30 JANUARY 1933

NEW MINISTRIES

13 March 1933	Ministry of Propaganda created. 2029-PS, 1933, RGBl.I, 107.
5 May 1933	Ministry of Air created. 2089-PS, 1933, RGBl.I, 241.
1 May 1934	Ministry of Education created. 2078-PS, 1934, RGBl.I, 365.
16 July 1935	Ministry for Church Affairs created. 2090-PS, 1935, RGBl.I, 1029.
17 March 1940	Ministry of Armaments and Munitions created. 2091-PS, 1940, RGBl.I, 513.
17 July 1941	Ministry for the Occupied Eastern Territories created. 1997-PS,

OTHER GOVERNMENT POSITIONS GIVEN CABINET RANK

1 Dec.1933	Deputy of the Fuhrer and Chief of Staff of the SA made members of the Cabinet. 1395-PS, 1933, RGBl.I, 1016.
12 July 1934	Reich Forest Master given the authority of a Reich Minister. 2093-PS, 1934, RGBl.I, 617.
17 June 1936	Chief of the German Police in the Reich Ministry of the Interior authorized to take part in Cabinet meetings. 2073-PS, 1936, RGBL.I, 487
30 January 1937	Chief of the Foreign Organization in the Foreign Office authorized to take part in Cabinet meetings. 2094-PS, 1937, RGBl.I, 95.
26 November 1937	Chief of the Reich Chancellery made a Reich Minister. 1937, RGBl.I, 1297
1 December 1937	Chief of the Presidential Chancellery given the rank of a Reich Minister. 2097-PS, 1937, RGBl.I, 1317.
4 February 1938	Chief of the High Command of the Armed Forces given the rank of Reich Minister. 1915-PS, 1938, RGBl.I,111.
25 February 1938	Supreme Commanders of the Army and Navy given the right to participate in Cabinet meetings. 2098-PS, 1938, RGBl.I, 215.
3 April 1941	Inspector General for German Roads given the rank of a Reich Minister. 2101-PS, 1941, RGBl.I, 192
29 May 1941	Leader of the Party Chancellery made a member of the Cabinet. 2099-PS, 1941, RGBl.I, 295
29 July 1941	Inspector General for Water and Power given the rank of a Reich Minister. 2102-PS, 1941, RGBl.I, 467

H1137 – 0069

Personal rank or title of Reich Minister (for citations see Appendix A)

19 December 1934	Hans Frank made Reich Minister without portfolio.
20 April 1936	Walter H.A.A. von Brauchitsch and Werner von Fritsch given the rank of a Reich Minister.
26 November 1937	Hjalmar Schacht made Reich Minister without portfolio.
4 February 1938	Constantin U.K. von Neurath remained a Reich Minister upon appointment as President of the Secret Cabinet Council.
1 May 1939	Arthur Seyss-Inquart made a Reich Minister.
25 August 1943	Wilhelm Frick, remained a Reich Minister upon appointment as Reich Protector of Bohemia and Moravia.
25 August 1943	Karl Hermann Frank given rank of a Reich Minister upon appointment as State Minister of the Protectorate of Bohemia and Moravia.

H1137-0070

APPENDIX D

Laws Relating to Count One, IV, D2 (Acquisition of control of Germany).

1396-PS — Law of 26 May 1933, providing for the confiscation of communist property (1933, RGBl, I, 293).

1388-K-PS — Law of 14 July 1933, against the new establishment of parties. (1933, RGBI, I, 479).

1388-PS — Law of 14 July 1933 providing for the confiscation of property of Social Democrats and others. (1933 RGBI, I, 479).

1395-PS — Law of 1 December 1933 securing the unity of party and state. (1933, RGBl, I, 1016).

Laws Relating to Count One, IV, D3a, (Consolidation of Control of Germany).

2076-PS — Decree of the Cabinet, 21 March 1933, creating special courts. (1933, RGBl, I, 136),

2004-PS — Law of 31 March 1933 for the integration of States into the Reich. (1933, RGBl, I, 153).

1397-PS — Law of 7 April 1933 for the reestablishment of the Professional Civil Service. (1933, RGBI, I 175).

2005-PS — Law of 7 April 1933 for the integration of States into the Reich. (1933, RGBI, I, 173).

1400-PS — Law of 30 June 1933, eliminating non-Aryan civil servants or those married to non-Aryans. (1933, RGBl, I, 433).

1398-PS — Law of 20 July 1933providing for the discharges of communist officials. (1933, RGBl, I, 518).

2006-PS — Law of 30 January 1934 on the rebuilding of the Reich, providing for the abolition of the parliamentary bodies of the Länder. (1934, RGBl, I, 462).

2969-PS — Law of 16 February 1934 transferring administration of justice to the Reich. (1934, RGBl, I, 91).

D 139
D 140
PS 351
PS 352

H1137 - 0071

2014-PS Law of 24 April 1934 creating the People's Court. (1934, RGBl, I, 341).

2003-PS Law of 1 August 1934, uniting the office of President and Chancellor. (1934, RGBl, I, 747).

2007-PS Law of 30 January 1935, Reich Governor Law, further reducing the independence of the state. (1935, RGBl, I, 65).

2008-PS Law of 30 January 1935 providing for the abolition of representatives or deliberative bodies in the municipalities. (1935, RGBl, I, 49).

2340-PS Law of 26 January 1937, comprehensive civil service law. (1937, RGBl, I, 39).

2355-PS Law of 18 March 1938 providing for the submission of one list of candidates to the electorate for the entire Reich. (1938, RGBl, I, 258).

Laws relating to Count One, IV, D3(b),(Consolidation of control og Germany, use of a system of terror).

1388-K-PS Law of 14 July 1933 against the new establishment of parties (containing a penal clause). (1933, RGBl, I, 479).

2057-PS Law of 3 July 1934 concerning measures for emergency defense of the State (legalizing the Roehm purge). (1934, RGBl, I, 529).

1393-PS Law of 20 December 1934 on treacherous acts against state and party and for the protection of party uniforms. (1934, RGBl, I, 1269).

2548-PS Law of 24 April 1934 making the creation of new or continuance of existing parties an act of treason. (1934, RGBl, I, 341).

1962-PS Law of 28 June 1935 changing the Penal Code (permitting punishment under analogous law). (1935, RGBl, I, 839).

2550-PS Law of 16 September 1939 permitting second prosecution of an acquitted person before a special court, the members of which were named by Hitler. (1939, RGBl, I, 1841).

Laws relating to Count One, IV, D3(c), (Consolidation of Control of Germany, destruction of trade unions).

1770-PS Law of 4 April 1933 concerning factory representative councils and economic organizations, (controlling employee representation). (1933, RGBl, I, 161).

405-PS Law of 19 May 1933 concerning Trustees of Labor (abolishing collective bargaining). (1933, RGBl, I, 161).

1861-PS Law of 20 January 1934 regulating National Labor (placing leadership principle in industrial relations). (1934, RGBl, I 45).

H1137-0072

1389-PS Law of 26 June 1935 establishing Reich Labor Service (compulsory labor service). (1935, RGBl, I, 769).

Laws relating to Count One, IV, D3(d), (Consolidation of Control of Germany, Jewish persecution).

1401-PS Law of 7 April 1933 permitting persons of non-Aryan descent to be refused permission to practice law and excluding communists from admission to the bar. (1933, RGBl, I, 188).

2022-PS Law of 25 April 1933 restricting number of non-Aryan Germans in schools and high institutions. (1933, RGBl, I, 225).

1402-PS Law of 29 September 1933, the "Homestead Law" regarding the "peasantry", and excluding therefrom persons of Jewish blood. (1933, RGBl, I, 685).

Law of 19 March 1937 excluding Jews from Reich Labor Service. (1937, RGBl, I, 325).

Law of 28 March 1938, on the legal status of Jewish religious communities. (1938, RGBl, I, 338).

1410-PS Law of 6 July 1938 amending regulations on industrial enterprises forbidding Jews to engage in certain industrial enterprises. (1938, RGBl, I, 823).

1419-PS Law of 30 April 1939 restricting rights of Jewish tenants. (1939, RGBl, I, 864).

Laws relating to Count One, IV, D3(e), (Consolidation of Control of Germany control of education and training of youth).

1392-PS Law of 1 December 1936 on Hitler Youth (establishing the Hitler Youth). (1936, RGBl, I 993).

Law of 6 July 1938 for Reich Student Association (Reichstudentenwerk). (1938, RGBl, I, 802).

2082-PS Law of 22 September 1933, establishing a Culture Chamber. (1933, RGBl, I, 661).

Laws relating to Count One, IV, F, (Conspiracy regarding Aggressive War).

1654-PS Law of 16 March 1935 on compulsory conscription. (1935, RGBl, I, 369).

Law of 21 May 1935, the Defense Law (Wehrgesetz) (1935, RGBl, I, 609).

2261-PS Law of 21 May 1935, the Secret Reichs Defense Law (unpublished).

H1137-0073

2307-PS	Law of 13 March 1938 on Anschluss with Austria (1938, RGBl, I, 237).
2194-PS	Law of 4 September 1938, the Secret Reich Defense Law (unpublished).

H1137-0074

Filed Dec. 13, 1945
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H-1137

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DIE REICHSREGIERUNG (REICH CABINET)

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